

# **EXHIBIT C**

1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF MASSACHUSETTS  
3 IN RE: PHARMACEUTICAL )  
4 INDUSTRY AVERAGE WHOLESALE ) MDL NO. 1456  
5 PRICE LITIGATION ) CIVIL ACTION:  
6 THIS DOCUMENT RELATES TO ) 01-CV-12257-PBS  
7 U.S. ex rel. Ven-A-Care of ) Judge Patti B. Saris  
8 the Florida Keys, Inc. v. )  
9 Abbott Laboratories Inc., ) Chief Magistrate Judge  
10 No. 07-CV-11618-PBS ) Marianne B. Bowler

11 HIGHLY CONFIDENTIAL  
12 CONTINUED VIDEOTAPED 30(b)(6) DEPOSITION OF  
13 JOHN M. LOCKWOOD, M.D.

14 Volume II  
15 (Taken by Defendant Abbott Laboratories Inc.)

16 April 24, 2009

17 9:44 a.m.

18 Suite 800

19 1420 Peachtree Street, N.E.

20 Atlanta, Georgia

21 Reported by: F. Renee Finkley, RPR, CRR, CLR,

22 CCR-B-2289

1 it is. It says it's a product listing catalog and  
2 the date is here, and the cover says that it's  
3 AmerisourceBergen over-the-counter and, I guess,  
4 prescription drug price list.

5 Q. At any time did Ven-A-Care provide any  
6 information about the named Ery NDCs to the OIG?

7 MR. BREEN: You're including anybody in  
8 the OIG in that question?

9 THE WITNESS: I would say that in regards  
10 to the OIG, we started sending information to  
11 the OIG in, I think, July of 1999 regarding  
12 concerns about drugs that -- and oral drugs that  
13 if they had had accurate price reporting,  
14 meaning an accurate WAC price reported, a real  
15 WAC price, meaning the actual transaction WAC  
16 prices reported, that the FUL would have been a  
17 different number than what it was.

18 So we started interacting with the OIG on  
19 that subject or that topic, and it really  
20 culminated in, I think, my discovery in 2000  
21 that there was a similar problem with these Ery  
22 drugs. And when we went to talk about these

1 drugs as we were adding them to the Boston  
2 complaint, my recollection is the people in the  
3 room at that time included members of the  
4 Department of Justice and the OIG and a number  
5 of other government officials. So they were  
6 part of that meeting that occurred.

7 I think 1/18 or 1/19 of 2001 we did a  
8 Power Point that -- where we discussed other  
9 issues, but we discussed the Ery drugs that we  
10 were adding to the complaint within the  
11 following month, as I recall. I could check the  
12 date that we filed the first amended complaint  
13 in Boston that included the Ery drugs. But we  
14 discussed the drugs that were added at that time  
15 with the members of the OIG and DOJ.

16 And one of the factors that we discussed  
17 in particular was really a follow-up to our  
18 discussions about the FUL and drugs that, had  
19 they been accurately reported, it was part of  
20 that whole thing that we were doing and the OIG  
21 was present.

22 Q. (By Mr. Berlin) Who from the OIG was

1 February of 2001.

2 Q. What amendment are you referring to?

3 A. I'm sorry?

4 Q. What amendment are you referring to?

5 A. The -- what was the first amendment to our  
6 Boston complaint on? I guess oral drugs.

7 Q. And had you presented your allegation to  
8 anyone in the federal government, your allegations  
9 concerning these named NDCs, any time prior to  
10 October of 2000?

11 A. Well, we had a dialogue, I believe, with  
12 Mr. Stephens about these issues on an ongoing basis,  
13 our investigations, what we were looking at, and I  
14 would say, you know, we talked to him probably once a  
15 week on average about a variety of different issues.  
16 I wouldn't say we talked to him once a week about Ery  
17 drugs. I'm just saying we had an ongoing discussion  
18 with him about that.

19 Q. When is the first time that you mentioned  
20 to anyone in the federal government either in writing  
21 or verbally anything about Abbott's Ery drugs?

22 A. I suspect in and around the time when I

1           there's a question there.

2           Q.       (By Mr. Berlin) Prior to September 2000,  
3       did you express to anyone in the -- you being  
4       Ven-A-Care, anyone from Ven-A-Care express to anyone  
5       in the federal government that you believed that  
6       Abbott's Ery drugs -- that Abbott had misreported  
7       prices on Abbott's Ery drugs?

8           A.       I would say that we started talking with  
9       Mr. Stephens about these issues in the August to  
10      September time frame, however, you know, I think  
11      we -- we delivered catalogs, including the McKesson  
12      catalog in its entirety for November, I think, of '99  
13      and the Bergen printouts from '98 and '99, to the OIG  
14      in the form of Mary Reardon and the Department of  
15      Justice earlier in 2000 so that there was information  
16      regarding the Ery drugs in that -- in those catalogs  
17      and in those printouts. And we referenced some of  
18      that information during, I guess, my more intensive  
19      look at this issue that, the best of my knowledge,  
20      started somewhere in August or September of 2000 in  
21      regards to these Ery drugs.

22          Q.       I think I may have the slide show of the

1 presentation you made in January 2001. Let me just  
2 take 30 seconds and see if I can find it.

3 MR. BREEN: Just for the record, we have  
4 designated that and all these preliminary  
5 communications highly confidential, and I would  
6 designate any discussions about the substance of  
7 those to be highly confidential in the -- in  
8 the -- in the deposition so the Department of  
9 Justice has a chance to decide how they want to  
10 handle it. Why don't we go off the record so  
11 we're not just burning tape.

12 THE VIDEOGRAPHER: We're off the record at  
13 10:37 a.m.

14 (A recess was taken.)

15 (Exhibit Lockwood Ery 011 was  
16 marked for identification.)

17 THE VIDEOGRAPHER: This is the beginning  
18 of tape number two. The time is 10:46 a.m. and  
19 we're back on the record.

20 Q. (By Mr. Berlin) Dr. Lockwood, I've put in  
21 front of you Exhibit Number 11. Is that the  
22 presentation to which you were referring to earlier?